

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application Serial No. 10/020,130
Attorney Docket No. Q67762

REMARKS

Upon entry of the present Amendment, claims 1-10 and 18-28 are all the claims pending in the application. Claims 1, 4, 6, 9, 18, 19 and 22 are amended and claims 25-28 are added. No new matter is presented.

Initially, Attorney for Applicant thanks the Examiner for the courtesies extended during the personal interview conducted on October 6, 2005. As reflected by the Examiner's Interview Summary of the same date, proposed claim amendments were discussed that the Examiner indicated were believed to overcome the outstanding rejections. Therefore, Applicant hereby formally submits the amendments proposed during the interview, and submits that the claims are believed to be allowable at least for the reasons discussed below.

To summarize the Office Action, claims 1 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dabak (U.S. Patent No. 6,862,275) in view of Andersson et al. (U.S. Patent No. 6,334,047, hereinafter "Andersson"); claims 2-5 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dabak and Andersson, further in view of Mohebbi (U.S. Patent No. 6,603,971); claims 6 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dabak in view of Legg et al. (U.S. Patent No. 6,414,947, hereinafter "Legg"); and claims 7-10, 20-22 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dabak and Legg, further in view of Mohebbi.

The outstanding grounds of rejection are traversed.

Independent claims 1 and 18

As noted above, claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Dabak in view of Andersson. Notwithstanding the Examiner's rejection, Applicant submits that neither Dabak nor Andersson, whether taken alone or in combination, teaches or suggests all the features of claim 1.

Claim 1 defines a novel transmission power control method for controlling transmission power of downlink signals from base stations to a mobile terminal presenting new features. For instance, a mobile terminal selects a first base station that is transmitting user data in a downlink signal with a preferred reception quality. Further, the mobile terminal transmits identification of the selected first base station to the first base station and other base stations not selected by the mobile terminal. The mobile terminal determines transmission power of downlink signals from the other base stations not selected by the mobile terminal, which are transmitting user data in the downlink signals after the identification of the selected first base station is transmitted. In addition, the mobile terminal sends information to the other base stations to modify the transmission power of the other base stations based on the determined transmission power of the downlink signals from the other base stations not selected by the mobile terminal.

By contrast, Dabak teaches a communications network where the selection of a base station by a mobile terminal is based on whether base stations employ transmit diversity. *See* Dabak at col. 2, lines 27-34 and col. 6, lines 41-53. As taught by Dabak, after a base station is selected, the transmission of data symbols by base stations that were not selected is terminated.

See Dabak at col. 6, lines 64-66. Indeed, the base stations which are not selected merely transmit pilot symbols. *See* Dabak at col. 7, lines 2-5.

Thus, there is no teaching or suggestion in Dabak for determining the transmission power of downlink signals from other base stations, as claimed, which transmit user data in downlink signals after the identification of the selected base station is transmitted. Moreover, Dabak fails to suggest the feature of sending information from the mobile terminal to the claimed other base stations, to modify the transmission power of downlink signals of the other base stations, which is based on the determined transmission power of the downlink signals from the other base stations not selected by the mobile terminal.

Further, Andersson fails to compensate for the deficient teaching of Dabak. For instance, Andersson merely teaches a power control method in which a flag bit is included in a transmission power control command. *See* Andersson at col. 5, lines 42-57. This “flag bit” specifies a step size for the value of the power control adjustment. *See* Andersson at col. 6, lines 3-16. Indeed, column 8, lines 38-55, which the Examiner refers to, teaches nothing more than transmission of a transmission power control (TPC) command to two base stations, which may include a “flag bit” to indicate a step size for the power control. However, this teaching, even if combined with Dabak, does not teach all the features of claim 1. For instance, Andersson suggests nothing regarding modifying transmission power of the claimed other base stations, which transmit user data in downlink signals after the identification of the selected first base station is transmitted.

Thus, even assuming *arguendo* that the Examiner's asserted motivation to combine Andersson and Dabak is proper, the combination does not teach all the claim limitations. Accordingly, reconsideration and withdrawal of the rejection of claim 1 is requested. In addition, claims 2-5 and 25 are believed to be allowable at least by virtue of depending from claim 1.

Further, Applicant submits the above arguments are equally applicable to the rejection of claim 18, which defines a mobile terminal with similar features. Thus, claim 18 is believed to be allowable. Likewise, claims 21-23 and 27 are believed to be allowable at least by virtue of depending from claim 18.

Independent claims 6 and 19

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Dabak in view of Legg. Applicant submits that neither Dabak nor Legg, whether taken alone or in combination, teaches or suggests all the features of this claim.

For instance, claim 6 defines a receiving method for demodulating user data in a downlink signal from base stations to a mobile terminal. As claimed, the mobile terminal selects a first base station transmitting user data in a downlink signal having a preferred reception quality, and the mobile terminal transmits identification of the selected first base station to the first base station and other base stations not selected by the mobile terminal. In addition, the mobile terminal uses downlink signals from the other base stations transmitting user data after the identification of the selected first base station is transmitted to demodulate user data from the

selected first base station by combining the downlink signal of the selected first base station and the downlink signals from the other base stations.

As discussed above, Dabak clearly teaches that the transmission of data symbols by base stations that were not selected is terminated after the selection of a primary base station, and the base stations which are not selected merely transmit pilot symbols. Therefore, there is no suggestion in Dabak for demodulating user data from a selected base station by using downlink signal from other base stations, which were not selected and transmit user data in their downlink signals.

Additionally, even assuming for the sake of argument that the Examiner's asserted motivation to combine Legg is proper, Legg does not teach the features of claim 6 which are clearly deficient in Dabak. For example, Legg merely teaches that a plurality of signals received from a base station may be combined during a soft handover. *See* Legg at col. 5, lines 12-30. However, Legg does not suggest any use of downlink signals after the transmission of the identification of a selected base station to demodulate user data from the selected first base station by combining the downlink signal of the selected first base station and the downlink signals of the other base stations not selected by the mobile terminal, as required by claim 6.

Accordingly, reconsideration and withdrawal of the rejection of claim 6 is requested. Further, claims 7-10 and 26 are believed to be allowable at least by virtue of depending from claim 6.

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In addition, Applicant submits that the above arguments are equally applicable to the rejection of claim 19, which defines a mobile terminal reciting similar features. Therefore, claim 19 is believed to allowable, and reconsideration and withdrawal of this rejection is requested. Also, dependent claims 20-21, 24 and 28 are believed to be allowable at least by virtue of depending from claim 19.

Dependent Claims 2-5 and 23

Claims 2-5 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dabak and Andersson, further in view of Mohebbi. Without commenting substantively on this ground of rejection, Applicant submits that these claims are allowable at least by virtue of depending from claims 1 and 18, respectively.

Dependent Claims 7-10, 20-22 and 24

Claims 7-10, 20-22 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dabak and Legg, further in view of Mohebbi. Without commenting substantively on this ground of rejection, Applicant submits that these claims are allowable at least by virtue of depending from claims 6 and 19, respectively.

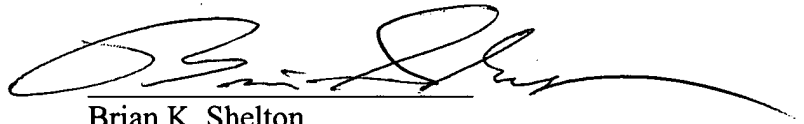
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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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23373

CUSTOMER NUMBER

Date: October 27, 2005